

IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF OHIO  
EASTERN DIVISION

NATIONWIDE LIFE AND ANNUITY  
INSURANCE COMPANY,

Plaintiff,

vs.

Civil Action 2:12-cv-213  
Judge Smith  
Magistrate Judge King

EDMOND GOLDEN, et al.,

Defendants.

CONTINUED PRELIMINARY PRETRIAL ORDER

The Court held a continued preliminary pretrial order, by telephone, on August 23, 2012. All parties were represented.

The motions to dismiss, Doc. Nos. 13, 14, are now fully briefed.

The parties shall make their Rule 26(a)(1) disclosures no later than November 1, 2012.

Motions or stipulations for leave to amend the pleadings may be filed, if at all, by November 15, 2012.

The parties contemplate discovery of electronically stored information but do not presently anticipate any particular issues in connection with such discovery.

The reports of primary experts must be produced by April 15, 2013; the reports of rebuttal experts must be produced by May 15, 2013. The reports of any supplement experts must be produced by June 1, 2013. If the expert is specially retained, the reports must conform to Fed. R. Civ. P. 26(a)(2)(B), unless otherwise agreed to by the parties. If the expert is not specially retained, the reports must conform to Fed. R.

Civ. P. 26(a)(2)(C), unless otherwise agreed to by the parties.

All non-expert discovery must be completed by April 1, 2013. All expert discovery must be completed by July 1, 2013. The parties are advised that the discovery completion dates require that discovery requests must be made sufficiently in advance of those dates to permit response to the requests by those dates. Motions addressing discovery disputes must be filed prior to the applicable discovery completion date.

Motions for summary judgment may be filed no later than September 1, 2013.

**There will be no extension of these dates.**

This case will be available for final pretrial conference in December 2013, or as soon thereafter as the Court's calendar permits.

The parties are **DIRECTED** to confer with each other with a view to arranging private mediation to take place in March 2013. No later than April 30, 2013, the parties will report to the Court on the status of that mediation, *i.e.*, confirming that the mediation has taken place and indicating whether discussions continue.

Related litigation is pending in a California federal court; that litigation has been stayed pending resolution of the motions currently pending in this case.

The parties agree that, subject to the approval of the then-presiding court, discovery conducted in this litigation may be used in any re-filed or transferred action.

If any date set herein falls on a weekend or legal holiday, the date of the next business day will control.

s/Norah McCann King  
Norah M<sup>c</sup>Cann King  
United States Magistrate Judge

Date: August 23, 2012